

DECLARATION OF RICARDO NIEVES

I, Ricardo Nieves, depose and state as follows:

1. I am an adult individual residing at 2256 Northmont Boulevard, City of Reading, Berks County, Pennsylvania 19605.
2. On Friday, December 13, 2013, I was traveling on the Bingham Street Bridge into the City of Reading, Pennsylvania. I was on a public roadway.
3. A cruiser owned and operated by the City of Reading Police Department was parked by the side of the street with its lights flashing.
4. Bright orange security cones lined the lane where I was driving. I was in the right hand lane and the lane to the left of me was full of traffic such that I could not pull over.
5. An adult male (hereafter "John Doe") stepped out into my lane of traffic, blocking my further advance, and flagged me to pull off the public road into a parking lot on Laurel Street.
6. Having no ability to advance further on the road, and with no ability to move into the left-hand lane because of traffic, I drove into the parking lot.
7. In the parking lot were five to seven improvised parking spaces outlined on three sides with orange security cones. I pulled into one of these security cones.
8. I believed that I was being stopped by the City of Reading police department because of the flashing lights of the police car on the street, the fluorescent orange cones on the street and in the parking lot, and the presence of a City of Reading police car in the parking lot that was occupied by a police officer.

9. A woman with a clipboard (hereafter "Jane Doe") came up to my car and began to speak to me.

10. Jane Doe spoke quickly and stated several things, including that I was not being cited, that I had done nothing wrong and that I was not being "pulled over."

11. The last statement was clearly false, because I only pulled over after John Doe had stepped into the middle of my lane of traffic on the public street and flagged me into the parking lot, all while lights were flashing on the police car parked at the location.

12. Jane Doe stated that the purpose of the stop was a survey of drivers' behavior and that she wanted to take a cheek swab to check for the presence of prescription drugs. She also stated that I would be paid if I agreed to the same.

13. I refused to provide the cheek swab she requested.

14. Jane Doe then tried a second time to convince me into providing a cheek swab.

15. Again I refused to provide a swab.

16. Then, a third time, Jane Doe tried to coerce me to give a cheek swab.

17. At this point I stated to her very firmly, "No. Thank. You."

18. Jane Doe then tried to hand me a pamphlet, which I did not accept.

19. Jane Doe then walked away from my car.

20. I then tried to exit the parking lot but found no means of egress. Other cars had by then also apparently been pulled off the road.

21. Several feet away in the parking lot the officer was sitting in his police car, and he pointed toward the entrance to the parking lot through which I had entered as if I should exit that way.

22. I then left the parking lot.

23. Upon information and belief, I state that John Doe and Jane Doe were acting as employees or authorized agents of a private corporation known as the Pacific Institute for Research and Evaluation ("PIRE").

24. On information and belief, I state that PIRE receives money from the federal government to research the driving habits of motorists.

25. On information and belief, I state that PIRE contracted with the City of Reading and/or the Reading Police Department, with the approval and authorization Mayor Vaughn Spencer and/or Chief William Heim, and paid money to either or both of such entities to conspire to stop me without probable cause or reasonable suspicion to believe that I had violated any law or provision of the Vehicle Code, and without satisfying the prerequisites for a legal sobriety checkpoint as mandated by the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, and the laws of Pennsylvania.

26. At all times I believed that I was under compulsion to stop my vehicle, to stay and interact with Jane Doe, that I was being detained, and that if I should try to leave I would be subject to arrest and prosecution.

Verification

I, Ricardo Nieves, under penalty of law, declare that the foregoing statements are true and correct.

A handwritten signature in blue ink, appearing to read 'Ricardo Nieves', is written over a horizontal line.

Ricardo Nieves